

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO ALL CASES

**NOTICE OF CALDERA MEDICAL, INC. OF
ORDER STAYING ACTIONS**

On July 22, 2015, a mediation was held involving Federal Insurance Company (“Federal”), Caldera Medical, Inc. (“Caldera”) and Settlement Liaison Counsel on behalf of all claimants who have filed suit against Caldera and potential claimants (collectively the “Parties”) in the Federal interpleader action in the District Court for the Central District of California, *Federal Insurance Co. v. Caldera Medical, Inc, et al.*, Case No. 2:15-cv-00393-SVW-PJW (“Federal interpleader action”). Following the mediation, the Parties reached a conditional settlement in principle of all claims in all jurisdictions against Caldera and all other parties insured or contractually indemnified under the insurance policies issued by Federal to Caldera (the “Federal Policies”) (namely, BMS, Encision, Coloplast, Mpathy, Parker Hannifin and J-Pac) involving alleged injuries caused by a Caldera transvaginal mesh product. *See* Notice of Conditional Settlement, attached hereto as Ex. 1. One of the conditions of the settlement was the entry of an Order staying all litigation against Caldera and the other entities who are insureds or

indemnitees under the Federal Policies pending completion of the settlement process. The purpose of such a stay is to limit defense costs, minimize erosion of policy limits, and maximize available settlement funds while the settlement is being finalized.

Accordingly, on August 3, 2015, the Parties jointly moved in the Federal interpleader action for the following relief pending completion of the settlement process (i.e., full execution of settlement documents and releases, final certification of the settlement class(es) and approval by the Court of the settlement):

1. A stay of all litigation and proceedings in any State and/or United States Court against Caldera and any other party insured or contractually indemnified under the Federal Policies, involving alleged injuries caused by a Caldera transvaginal mesh product;

2. An injunction preventing any and all potential claimants including, but not limited to, those with tolling agreements, from instituting or prosecuting any lawsuit, arbitration, or any proceeding against Caldera and any other party insured or contractually indemnified under the Federal Policies, involving alleged injuries caused by a Caldera transvaginal mesh product; and

3. An injunction preventing any and all plaintiffs and/or claimants from levying or otherwise seeking payment on any settlement or judgment against Federal, Caldera and any other party insured or contractually indemnified under the Federal Policies, and requiring that any liquidated claim be presented to this Court for potential payment, for those claims involving alleged injuries caused by a Caldera transvaginal mesh product.

See August 3, 2015 Joint Supplemental Submission in Support of Motion to Stay, attached hereto as Ex. 2, pp. 2-3. *See also* Federal's August 5, 2015 Supplemental Submission in Support of Motion to Stay, attached hereto as Ex. 3.

By Minute Order dated August 7, 2015, the Honorable Stephen V. Wilson, U.S.D.J. granted the Parties' joint motion to stay and enjoin proceedings. *See* August 7, 2015 Minute Order ("Minute Order"), attached hereto as Ex. 4. Accordingly and pursuant to the Minute Order, all claims in MDL NO. 2327 against Caldera, BMS, Encision, Coloplast, Mpathy, Parker Hannifin and J-Pac involving alleged injuries caused by a Caldera transvaginal mesh product are stayed until the settlement process has been completed. Caldera respectfully requests that the Court honor the Minute Order in all respects.

Dated: August 14, 2015

Respectfully submitted,

/s/ William R. Stuart

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COUNSEL FOR DEFENDANT CALDERA
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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in these member cases.

/s/ William R. Stuart
William R. Stuart